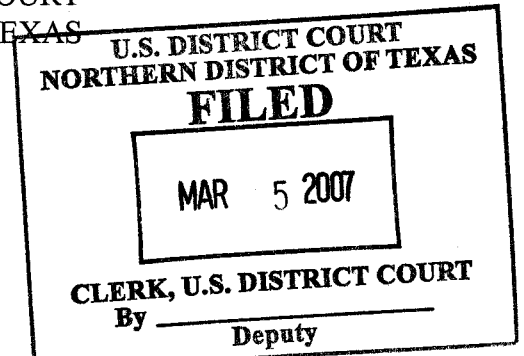


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



MARCELINO RODRIGUEZ,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.¹

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2:03-CV-0413

ORDER ADOPTING REPORT AND RECOMMENDATION,
REVERSING THE DECISION OF THE COMMISSIONER,
and REMANDING FOR FURTHER ADMINISTRATIVE ACTION

Came for consideration plaintiff MARCELINO RODRIGUEZ's appeal of the decision of the Commissioner of Social Security denying plaintiff disability benefits. The United States Magistrate Judge entered a Report and Recommendation on February 15, 2007, recommending therein that the decision of the Commissioner be reversed and the case remanded to the Commissioner for further administrative action. On February 26, 2007, defendant gave notice that he does not object to the decision made in the Report and Recommendation.

The undersigned United States District Judge has made an independent examination of the record in this case. The Report and Recommendation of the United States Magistrate Judge is hereby ADOPTED. Accordingly, the Commissioner's administrative decision finding plaintiff not disabled is REVERSED, and the decision is REMANDED to the Commissioner for further

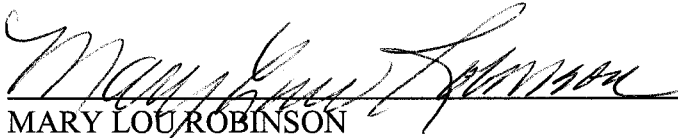
¹On February 12, 2007, Michael J. Astrue was sworn in as the Commissioner of Social Security. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Mr. Astrue should be substituted as the defendant in this suit.

administrative proceedings consistent with the Report and Recommendation of the Magistrate Judge, including but not limited to all action specified and recommended to be taken on remand.

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

ENTERED this 5th day of March 2007.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE